

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X

TRAVELERS CASUALTY AND SURETY COMPANY as  
Administrator for RELIANCE INSURANCE  
COMPANY,

Plaintiffs,

-against-

DORMINTORY AUTHORITY - STATE OF NEW YORK,  
TDX CONSTRUCTION CORP. and KOHN PEDERSON  
FOX ASSOCIATES, P.C.,

Defendants.

-----X

DORMITORY AUTHORITY OF THE STATE OF NEW  
YORK and TDX CONSTRUCTION CORP.,

Third-Party Plaintiffs,

-against-

TRATAROS CONSTRUCTION, INC.,

Third-Party Defendant.

-----X

TRATAROS CONSTRUCTION, INC. and TRAVELERS  
CASUALTY AND SURETY COMPANY,

Fourth-Party Plaintiffs,

-against-

CAROLINA CASUALTY INSURANCE COMPANY;  
BARTEC INDUSTRIES, INC.; DAYTON SUPERIOR  
SPECIALTY CHEMICAL CORP. a/k/a DAYTON  
SUPERIOR CORPORATION; SPECIALTY  
CONSTRUCTION BRANDS, INC. t/a TEC; KEMPER  
CASUALTY INSURANCE COMPANY d/b/a KEMPER  
INSURANCE COMPANY; GREAT AMERICAN  
INSURANCE COMPANY; NATIONAL UNION FIRE  
INSURANCE COMPANY OF PITTSBURGH, P.S.;  
UNITED STATES FIRE INSURANCE COMPANY;  
NORTH AMERICAN INSURANCE COMPANY; ALLIED  
WORLD ASSURANCE COMPANY (U.S.) F/k/a

**FOURTH PARTY  
DEFENDANT'S FIRST RULE  
26 AND RULE 34 REQUEST**

*Civil Action No.*  
07-cv-6915

COMMERICAL UNDERWRITERS INSURANCE  
COMPANY; ZURICH AMERICAN INSURANCE  
COMPANY d/b/a ZURICH INSURANCE COMPANY  
d/b/a OHIO CASUALTY GROUP; HARLEYSVILLE  
MUTUAL INSURANCE COMPANY (a/k/a  
HARLEYVILLE INSURANCE COMPANY); JOHN DOES  
1-20 and XYZ CORPS. 1-19 ,

Fourth-Party Defendants.

-----X

**PLEASE TAKE NOTICE** that, pursuant to Rule 26 and Rule 34 of the Federal Rules of Civil Procedure, each plaintiff and each co-defendant are hereby required to provide and permit the fourth-party defendant North American Specialty Insurance Company As Successor In Interest to Commercial Underwriters Insurance Company to inspect and copy the following documents within thirty (30) days of the receipt hereof:

1. All contracts, documents pertaining to the underlying action.
2. Any and all statements taken from a defendant, his/her/its agents, servants, and/or employees concerning or with regard to the subject occurrence.
3. Any and all photographs of the scene of the occurrence and/or instrumentalities involved, and/or plaintiff's claimed damages.
4. All accident or incident reports prepared by or on behalf of any party to this action.

5. All transcripts of examinations before trial heretofore conducted herein.

6. All Rule 26 and Rule 34 requests and notices of discovery and inspection heretofore served herein along with copies of all papers, documents, drawings, etc., supplied to counsel for all parties in compliance therewith.

7. All work progress records, daily reports, work slips, and work orders for work done by any party to this action at the subject premises.

8. All contracts, agreements or other documents allegedly entered into or exchanged by and between fourth-party defendants, North American Specialty Insurance Company and any party herein in effect on the date of the within occurrence.

9. Pursuant to Rule 5A of the Federal Rules of Civil Procedure, all documents and pleadings previously exchanged by and between counsel herein that have not already been served upon the undersigned.

10. All policies of insurance alleged to provide coverage to this occurrence.

Dated: New York, New York  
May 6, 2008

SMITH MAZURE DIRECTOR WILKINS  
YOUNG & YAGERMAN, P.C.

By: 

JOEL M. SIMON (JMS #1077)  
For the Firm  
SMITH MAZURE DIRECTOR WILKINS  
YOUNG & YAGERMAN, P.C.  
Attorneys for Fourth-Party Defendants  
North American Specialty Insurance  
Company As Successor In Interest to  
Commercial Underwriters Insurance Company  
111 John Street, 20<sup>th</sup> Floor  
New York, New York 10038-3198  
(212) 964-7400  
Our File No. NAS-00285/JMS

TO:  
DREIFUSS, BONACCI & PARKER LLP  
Attorney for Plaintiff  
Travelers Casualty and Surety Company and  
Trataros Construction, Inc.  
26 Columbia Turnpike, North Entrance  
Florham Park, NJ 07932  
(973) 514-1414  
File: Please Advise

HOLLAND KNIGHT LLP  
Attorney for Defendant/Third-Party  
Plaintiffs  
Dormitory Authority- State of New York,  
TDX Construction Corp.  
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New York, NY 10007  
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GENNET KALLMANN ANTIN & ROBINSON, P.C.  
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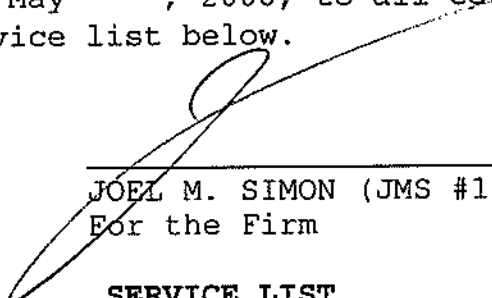
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**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing Defendant's First Rule 16 And 34 Request was mailed by first class mail, postage prepaid this May , 2008, to all counsel of record as indicated on the service list below.



---

JOEL M. SIMON (JMS #1077)  
For the Firm

**SERVICE LIST**

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(973) 538-0800  
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DOCKET NO. 07-cv-6915

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DORMINTORY AUTHORITY - STATE OF NEW YORK, TDX CONSTRUCTION CORP. and KOHN PEDERSON FOX  
ASSOCIATES, P.C.,

Defendants.

-----X

AND THIRD AND FOURTH PARTY ACTIONS

=

**FOURTH PARTY DEFENDANT'S FIRST RULE 26 AND RULE 34 REQUEST**

=

**SMITH MAZURE DIRECTOR WILKINS  
YOUNG & YAGERMAN, P.C.**

Attorneys for Fourth-Party Defendants  
North American Specialty Insurance  
Company As Successor In Interest to  
Commercial Underwriters Insurance  
Company

111 John Street, 20<sup>th</sup> Floor  
New York, New York 10038-3198  
(212) 964-7400  
NAS-00285/JMS

**CERTIFICATION PURSUANT TO 22 N.Y.C.R.R. §130-1.1a**

hereby certifies that, pursuant to 22 N.Y.C.R.R. §130-1.1a, the foregoing is not frivolous nor  
frivolously presented.

Dated: New York, New York

**PLEASE TAKE NOTICE**

☐ that the within is a true copy of a \_\_\_\_\_ entered in the office of the clerk of the within  
named Court on \_\_\_\_\_.

☐ that a \_\_\_\_\_ of which the within is a true copy will be presented for settlement to the Hon.  
one of the judges of the within named Court at \_\_\_\_\_, on at 9:30 a.m.

**SMITH MAZURE DIRECTOR WILKINS YOUNG &  
YAGERMAN, P.C.**

Attorneys for Fourth-Party Defendants  
North American Specialty Insurance Company As  
Successor In Interest to Commercial Underwriters  
Insurance Company

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(212) 964-7400

Our File No. NAS-00285/JMS

JMS/dln